DHEC'S EXHIBIT 5

D H E C
PROMOTE PROTECT PROSPER
2600 Bull Street
Columbia, SC 29201-1708

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

December 30, 2003

Mr. Bill Schoening, EAST DIV MGR
TOTAL ENVIRONMENTAL SOLUTIONS
2299 DOCTOR JOHNS ROAD
Westminster, South Carolina 29693

RE: TOTAL ENVIRON/FOXWOOD HILLS SD
NPDES Permit # SC0022357
Oconee County

Dear Mr. Schoening:

Enclosed is the National Pollutant Discharge Elimination System (NPDES) Permit for the above referenced facility. The Department of Health and Environmental Control (DHEC) will enforce all the provisions of this permit in an equitable and timely manner.

In order that you understand your responsibilities included in the provisions of this permit, particular attention should be given to the following sections:

1. PART II.E: This section contains your responsibilities for the proper operation and maintenance of your facility.

2. PART II.L.3: This section describes the specific requirements for an NPDES permit to be transferred to another party.

3. PART II.L.4: This section contains your responsibilities for reporting monitoring results. Preprinted Discharge Monitoring Report (DMR) forms are provided by DHEC for reporting monitoring results. A new preprinted DMR form will be sent to you at a later date, but prior to the date specified for submittal in Part II.L.4.a.(1).

4. PART III.A: This section contains listings of effluent characteristics, discharge limitations, and monitoring requirements.

5. PART V: This section contains all the special requirements relative to your permit. Such items in this section include the certified operator required to operate your wastewater treatment plant, the day of the week on which monitoring shall occur, sludge disposal requirements, and whole effluent toxicity requirements.

This permit, as issued, will become effective on the effective date specified on the permit, provided no appeal for an adjudicatory hearing is made. The issuance of the permit represents a final staff decision that may be appealed to the Board of DHEC. Such appeal must be made within fifteen (15) days of the receipt of the permit.

In the event an appeal is filed, the entire reissued permit is automatically stayed. After the start of the administrative review any party may request the Administrative Law Judge (ALJ) to lift the automatic stay. The ALJ will then determine which portions of the permit, if any, will go into effect before the administrative review has been completed. The applicable portions of the previous permit will continue in effect until the administrative review has been completed.

If you wish to appeal the staff's decision, you must submit an initial pleading in accordance with Regulation 61-72, Volume 25, S.C. Code of Laws, 1976, as amended. As required by this regulation, the initial pleading must be served on the Board of SCDHEC, Attn: Clerk of the Board, 2600 Bull Street, Columbia, S.C. 29201, (803)898-3300. The submission of the initial appeal will be within the time period if delivered by First Class mail or other parcel delivery service on or before the fifteenth day.

The following elements must be included within the request:

1. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;
2. The caption or other information sufficient to identify the permit decision being appealed; and
3. The relief requested.

In addition, the Administrative Law Judge Division now requires that a person requesting a contested case hearing must file a copy of the request and a filing fee in the amount of $100.00 with the Administrative Law Judge Division at the following address:

Clerk, Administrative Law Judge Division
1205 Pendleton Street, Suite 224
P.O. Box 11667
Columbia, SC 29211

If you have any questions about the technical aspects of this permit, please contact Ms. Melinda G. Vickers at (803) 898-4186. Information pertaining to adjudicatory matters may be obtained by contacting the Legal Office, SCDHEC, 2600 Bull Street, Columbia, S.C. 29201, or by calling them at (803) 898-3350.

Sincerely,

Michael Montebello

Michael Montebello, Manager
Wastewater Management Section

Enclosure
cc: EPA (w/e)
Deborah F. Mack, NPDES Permit Administration
Enforcement Section (w/e)
District Office (w/e)
Melanie Kastler

Surface Water Discharge Permit

In Accordance With the
National Pollutant Discharge Elimination System (NPDES)

This NPDES Permit Certifies That

TOTAL ENVIRONMENTAL SOLUTIONS, INC.
Foxwood Hills SD

has been granted permission to discharge treated wastewater from a facility located at

the intersection of Dr. Johns Road and Choesteoa Landing Road in Oconee County

to receiving waters named

Lake Hartwell

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, IV and V hereof. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 et seq., 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 et seq., the "Act."

Jeffrey P. deBessonet, P.E., Director
Water Facilities Permitting Division
Bureau of Water

Issued: December 30, 2003

Expires: May 31, 2008

Effective: February 1, 2004

Permit No.: SC0022357

D H E C
PROMOTE PROTECT PROSPER
South Carolina Department of Health and Environmental Control

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PART I. Definitions

Any term not defined in this Part has the definition stated in the Pollution Control Act or in "Water Pollution Control Permits", R.61-9 or its normal meaning.

A. The "Act", or CWA shall refer to the Clean Water Act (Formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended.

B. The "arithmetic mean" of any set of values is the summation of the individual values divided by the number of individual values.

C. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

D. A "composite sample" shall be defined as one of the following four types:

1. An influent or effluent portion collected continuously over a specified period of time at a rate proportional to the flow.

2. A combination of not less than 8 influent or effluent grab samples collected at regular (equal) intervals over a specified period of time and composited by increasing the volume of each aliquot in proportion to flow. If continuous flow measurement is not used to composite in proportion to flow, the following method will be used: An instantaneous flow measurement should be taken each time a grab sample is collected. At the end of the sampling period, the instantaneous flow measurements should be summed to obtain a total flow. The instantaneous flow measurement can then be divided by the total flow to determine the percentage of each grab sample to be combined. These combined samples form the composite sample.

3. A combination of not less than 8 influent or effluent grab samples of equal volume but at variable time intervals that are inversely proportional to the volume of the flow. In other words, the time interval between aliquots is reduced as the volume of flow increases.

4. If the effluent flow varies by less than 15 percent, a combination of not less than 8 influent or effluent grab samples of constant (equal) volume collected at regular (equal) time intervals over a specified period of time.

All samples shall be properly preserved in accordance with Part II.J.4. Continuous flow or the sum of instantaneous flows measured and averaged for the specified compositing time period shall be used with composite results to calculate mass.

E. "Daily maximum" is the highest average value recorded of samples collected on any single day during the calendar month.

F. "Daily minimum" is the lowest average value recorded of samples collected on any single day during the calendar month.

G. The "Department" shall refer to the South Carolina Department of Health and Environmental Control.

H. The "geometric mean" of any set of values is the N^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

I. A "grab sample" is an individual, discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity, unless a totalizer is used.

J. The "instantaneous maximum or minimum" is the highest or lowest value recorded of all samples collected during the calendar month.

K. The "monthly average", other than for fecal coliform, is the arithmetic mean of all samples collected in a calendar month period. The monthly average for fecal coliform bacteria is the geometric mean of all samples collected in a calendar month period. The monthly average loading is the arithmetic average of all individual loading determinations made during the month.

L. "POTW" means publicly owned treatment works. Publicly owned treatment works means any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature which is owned and operated by the State, a municipality, or a regional entity composed of two (2) or more municipalities or parts thereof. The term also means the municipality as defined in section 502(4) of CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

M. "Practical Quantitation Limit (PQL)" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed.

N. "Privately owned treatment works" means any device or system which both is used to treat wastes from any facility whose operator is not the operator of the treatment works and is not a POTW.

O. "Quarter" is defined as the first three calendar months beginning with the month that this permit becomes effective and each group of three calendar months thereafter.

P. "Quarterly average" is the arithmetic mean of all samples collected in a quarter.

Q. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

R. "Ultimate Oxygen Demand" is the oxygen consumed by aquatic microbes in metabolizing the remaining organic and nitrogenous matter in the effluent from the permittee's wastewater treatment plant. This demand is expressed in pounds per day and is calculated by multiplying the effluent biochemical oxygen demand (BOD_5) concentration by 1.5 and adding that to 4.57 times the effluent ammonia (NH_3-N) concentration and multiplying the sum by the flow and the constant 8.34 and subtracting the effluent dissolved oxygen loading (DO). The UOD loading is the arithmetic average of all individual loading determinations made during the sampling period.

U.O.D.(lbs/day) = [{BOD_5(mg/l) * 1.5} + {NH_3-N(mg/l) * 4.57}] * Flow(MGD)* 8.34 – DO(lbs/day)

S. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

T. "Weekly average", other than for fecal coliform, is the arithmetic mean of all the samples collected during a one-week period. The weekly average for fecal coliform is the geometric mean of all samples collected during a one-week period. For self-monitoring purposes, weekly periods in a calendar month are defined as three (3) consecutive seven day intervals starting with the first day of the calendar month and a fourth interval containing seven (7) days plus those days beyond the 28th day in a calendar month. The value to be reported is the single highest of the four (4) weekly averages computed during a calendar month. The weekly average loading is the arithmetic average of all individual loading determinations made during the week.

U. "24 Hour Time Composite Sample" A combination of not less than eight (8) influent or effluent grab samples of equal volume collected at regular time intervals over a 24 hour period and properly preserved, (See part II.J.4.).

PART II. Standard Conditions

A. Duty to comply

The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

1. a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

   b. It is the responsibility of the permittee to have a treatment facility that will meet the final effluent limitations of this permit. The approval of plans and specifications by the Department does not relieve the permittee of responsibility for compliance.

2. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).

3. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.

B. Duty to reapply

1. If a POTW as defined in Part I.L, wishes to continue an activity regulated by this permit after the expiration date of this permit, the POTW must apply for and obtain a new permit. A POTW with a currently effective permit shall submit a new application at least 180 days before the existing permit expires, unless permission for a later date has been granted by the Department. The Department may not grant permission for applications to be submitted later than the expiration date of the existing permit.

2. If a privately owned treatment works as defined in Part I.N, wishes to continue an activity regulated by this permit after the expiration date of this permit, the privately owned treatment works must apply for and obtain a new permit. A privately owned treatment works with a currently effective permit shall submit a new application 180 days before the existing permit expires, unless permission for a later date has been granted by the Department. The Department may not grant permission for applications to be submitted later than the expiration date of the existing permit.

C. Need to halt or reduce activity not a defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper operation and maintenance

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Power Failures.

   In order to maintain compliance with effluent limitations and prohibitions of this permit, the permittee shall either:

   a. provide an alternative power source sufficient to operate the wastewater control facilities;

   b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

3. The permittee shall maintain at the permitted facility a complete Operations and Maintenance Manual for the waste treatment plant and land application system. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment plant and land application system. The manual shall contain a general description of the treatment process(es), operating characteristics that will produce maximum treatment efficiency and corrective action to be taken should operating difficulties be encountered.

4. The permittee shall provide for the performance of daily treatment plant inspections by a certified operator of the appropriate grade as specified in Part V. The inspection shall include, but is not limited to, areas which require a visual observation to determine efficient operations and for which immediate corrective measures can be taken using the O & M manual as a guide. All inspections shall be recorded and shall include the date, time and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by this permit. Records shall be made available for on-site review during normal working hours.

5. The name and grade of the operator of record shall be submitted to DHEC/Bureau of Water/Water Enforcement Division prior to placing the facility into operation. A roster of operators associated with the facility's operation and their certification grades shall also be submitted with the name of the "operator-in-charge". Any changes in operator or operators shall be submitted to the Department as they occur.

F. Permit actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G. Property rights

This permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

H. Duty to provide information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

I. Inspection and entry

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

J. Monitoring and records

1. a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

   b. Flow Measurements

   Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ± 10% from the true discharge rates throughout the range of expected discharge volumes. The primary flow device must be accessible to the use of a continuous flow recorder.

   c. The permittee shall maintain at the permitted facility a record of the method(s) used in measuring the discharge flow for the outfall(s) designated on limits pages to monitor flow. Records of any necessary calibrations must also be kept. This information shall be made available for on-site review by Department personnel during normal working hours.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by R.61-9.503 or R.61-9.504), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

3. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

4. a. Monitoring results for wastewater must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503 or R.61-9.504, unless other test procedures have been specified in the permit.

b. Unless addressed elsewhere in this permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the derived permit limit stated in Part III. If more than one method of analysis is approved for use, the Department recommends for reasonable potential determinations that the permittee use the method having the lowest practical quantitation limit (PQL) unless otherwise specified in Part V of the permit. For the purposes of reporting analytical data on the Discharge Monitoring Report (DMR):

(1) Analytical results below the PQL from methods available in 40 CFR 136 or otherwise specified in the permit shall be reported as zero (0). Zero (0) shall also be used to average results which are below the PQL. When zero (0) is reported or used to average results, the permittee shall report, in the "Comment Section" or in an attachment to the DMR, the analytical method used, the PQL achieved, and the number of times results below the PQL were reported as zero (0).

(2) Analytical results above the PQL from methods available in 40 CFR 136 or otherwise specified in the permit shall be reported as the value achieved. When averaging results using a value containing a < the average shall be calculated using the value and reported as < the average of all results collected.

(3) Mass values shall be calculated using the flow taken at the time of the sample and either the concentration value actually achieved or the value as determined from the procedures in (1) or (2) above, as appropriate.

5. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

K. Signatory requirement

1. All applications, reports, or information submitted to the Department shall be signed and certified.

a. Applications. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

b. All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part II.K.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative if:

(1) The authorization is made in writing by a person described in Part II.K.1.a of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Department.

c. Changes to authorization. If an authorization under Part II.K.1.b of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.1.b of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Part II.K.1.a or b of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

L. Reporting requirements

1. Planned changes

The permittee shall give written notice to DHEC/Bureau of Water/Water Facilities Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in R 61-9.122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part II.L.8 of this section.

c. The alteration or addition results in a significant change in the permittee's sewage sludge or industrial sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan (included in the NPDES permit directly or by reference);

2. Anticipated noncompliance

The permittee shall give advance notice to DHEC/Bureau of Water/Water Enforcement Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after written notice to DHEC/Bureau of Water/NPDES Administration Section. The Department may require modification or revocation and reissuance of the permit to change the name of permittee and incorporate such other requirements as may be necessary under the Pollution Control Act and the Clean Water Act.

a. Transfers by modification. Except as provided in paragraph b of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under R.61-9.122.62(e)(2)), or a minor modification made (under R.61-9.122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

b. Other transfers. As an alternative to transfers under paragraph a of this section, any NPDES permit may be transferred to a new permittee if:

(1) The current permittee notifies the Department at least 30 days in advance of the proposed transfer date in Part II.L.3.b(2) of this section;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) Permits are non-transferable except with prior consent of the Department. A modification under this section is a minor modification which does not require public notice.

4. Monitoring reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices including the following:

(1) Effluent Monitoring:

Effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Discharge Monitoring Reports (DMRs) shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Compliance Assurance Division
Permit and Data Administration Section
2600 Bull Street
Columbia, South Carolina 29201

(2) Groundwater Monitoring:

Groundwater monitoring results obtained at the required frequency shall be reported on a Groundwater Monitoring Report Form (DHEC 2110) postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Groundwater Monitoring Report Form (DHEC 2110) shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Monitoring, Assessment and Protection Division
Groundwater Quality Section
2600 Bull Street
Columbia, South Carolina 29201

(3) Sludge, Biosolids and/or Soil Monitoring:

Sludge, biosolids and/or soil monitoring results obtained at the required frequency shall be reported in a laboratory format postmarked no later than the 28th day of the month following the end of the monitoring period. Two copies of these results shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Enforcement Division
Water Pollution Enforcement Section
2600 Bull Street
Columbia, South Carolina 29201

(4) All other reports required by this permit shall be submitted at the frequency specified elsewhere in the permit to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Enforcement Division
Water Pollution Enforcement Section
2600 Bull Street
Columbia, South Carolina 29201

b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503 or R.61-9.504, or as specified in the permit, all valid results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department. The permittee has sole responsibility for scheduling analyses, other than for the sample data specified in Part V, so as to ensure there is sufficient opportunity to complete and report the required number of valid results for each monitoring period

c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

5. Twenty-four hour reporting

a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

County	EQC District	Phone No.
Anderson Oconee	Appalachia I	864-260-5569
Greenville Pickens	Appalachia II	864-241-1090
Cherokee, Spartanburg Union	Appalachia III	864-596-3800
Chester, Lancaster York	Catawba	803-285-7461
Fairfield, Lexington Newberry, Richland	Central Midlands	803-896-0620
Beaufort, Colleton Hampton, Jasper	Low Country	843-846-1030
Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	Lower Savannah	803-641-7670
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee	843-661-4825
Berkeley, Charleston Dorchester	Trident	843-740-1590
Abbeville, Edgefield, Greenwood Laurens, McCormick, Saluda	Upper Savannah	864-223-0333
Georgetown, Horry Williamsburg	Waccamaw	843-448-1902
Clarendon, Kershaw Lee, Sumter	Wateree	803-778-6548

After-hour reporting should be made to the 24-Hour Emergency Response telephone number 803-253-6488 or 1-888-481-0125 outside of the Columbia area. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances to the address in Part II.L.4.a(4). The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

b. The following shall be included as information which must be reported within 24 hours under this paragraph.

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.122.44(g)).

(2) Any upset which exceeds any effluent limitation in the permit.

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See R 61-9.122.44(g)).

c. The Department may waive the written report on a case-by-case basis for reports under Part II.L.5.b of this section if the oral report has been received within 24 hours.

6. Other noncompliance

The permittee shall report all instances of noncompliance not reported under Part II.L.4 and 5 of this section and Part IV at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.L.5 of this section.

7. Other information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division/Bureau of Water. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

8. Domestic treatment works

All permittees must provide adequate notice to the Department of the following:

a. Any new introduction of pollutants into the wastewater treatment facility (WWTF) from an indirect discharger which would be subject to sections 301 or 306 of CWA if it were directly discharging those pollutants; and

b. Any substantial change in the volume or character of pollutants being introduced into that WWTF by a source introducing pollutants into the WWTF at the time of issuance of the permit.

c. For purposes of this paragraph, adequate notice shall include information on:

(1) The quality and quantity of influent introduced into the WWTF, and

(2) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the WWTF.

M. Bypass

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.M.2 and 3 of this section.

2. Notice.

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to DHEC/Bureau of Water/Water Facilities Permitting Division.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.L.5 of this section.

3. Prohibition of bypass

   a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) The permittee submitted notices as required under Part II.M.2 of this section.

   b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part II.M.3.a of this section.

N. Upset

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part II.N.2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated; and

   c. The permittee submitted notice of the upset as required in Part II.L.5.b(2) of this section.

d. The permittee complied with any remedial measures required under Part II.D of this section.

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. Misrepresentation of Information

1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.

2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

Part III. Limitations and Monitoring Requirements

A. Effluent Limitations and Monitoring Requirements

1. **INTERIM LIMITS:** During the period beginning on the effective date of this permit and lasting through June 30, 2006 or until the approval to place in operation at 0.2 MGD is issued, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	0.1 MGD	0.1 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	12.5	18.8	15.0 mg/l	22.5 mg/l	---	2/Month	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	25.0	37.5	30 mg/l	45 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	8.3	12.5	10 mg/l	15 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	2/Month	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD)[P]	MR	MR	---	---	---	2/Month	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	2/Month	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.5 mg/l	---	1.0 mg/l	2/Month	Grab	Effluent
Dissolved Oxygen (DO)	---	---	2.0 mg/l Minimum at all times			Daily	Grab	Effluent
pH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	MR	MR	MR mg/l	MR mg/l	---	2/Month	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	1/Year	Grab	Effluent

* See Part V.G.5. [P] See Part I.R.

2. **FINAL LIMITS:** During the period beginning on July 1, 2006 and lasting until the approval to place in operation at 0.2 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	0.1 MGD	0.1 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	12.5	18.8	15 mg/l	22.5 mg/l	---	2/Month	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	25.0	37.5	30 mg/l	45 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	8.3	12.5	10 mg/l	15 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	2/Month	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD) [P]	55.2	82.8	---	---	---	2/Month	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	2/Month	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.5 mg/l	---	1.0 mg/l	2/Month	Grab	Effluent
Dissolved Oxygen (DO)	---	---	2.0 mg/l Minimum at all times			Daily	Grab	Effluent
PH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	4.8	7.2	5.76 mg/l	8.64 mg/l	---	2/Month	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	1/Year	Grab	Effluent

* See Part V.G.5.
[P] See Part I.R.

3. During the period beginning on the date the approval to place in operation at 0.2 MGD is issued and lasting until the approval to place in operation at 0.4 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	0.2 MGD	0.2 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	18.3	27.5	11 mg/l	16.5 mg/l	---	2/Month	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	50.0	75.0	30 mg/l	45 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	8.3	12.5	5 mg/l	7.5 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	2/Month	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD) [P]	56.0	84.0	---	---	---	2/Month	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	2/Month	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.5 mg/l	---	1.0 mg/l	2/Month	Grab	Effluent
Dissolved Oxygen (DO)	---	---	6.0 mg/l Minimum at all times			Daily	Grab	Effluent
PH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	4.84	7.26	2.90 mg/l	4.35 mg/l	---	2/Month	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	1/Year	Grab	Effluent

* See Part V.G.5.
[P] See Part I.R.

4. During the period beginning on the date the approval to place in operation at 0.4 MGD is issued and lasting until the approval to place in operation at 0.8 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	0.4 MGD	0.4 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	33.4	50.1	10 mg/l	15 mg/l	---	2/Month	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	100.1	150.2	30 mg/l	45 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	5.7	8.6	1.7 mg/l	2.5 mg/l	---	2/Month	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	2/Month	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD) [b]	56.0	84.0	---	---	---	2/Month	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	2/Month	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.329 mg/l	---	0.569 mg/l	2/Month	Grab	Effluent
Dissolved Oxygen (DO)	---	---	6.0 mg/l Minimum at all times			Daily	Grab	Effluent
PH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	4.94	7.41	1.48 mg/l	2.22 mg/l	---	2/Month	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	1/Year	Grab	Effluent

* See Part V.G.5.
[b] See Part I.R.

5. During the period beginning on the date the approval to place in operation at 0.8 MGD is issued and lasting until the approval to place in operation at 1.4 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	0.8 MGD	0.8 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	42.7	64.1	6.4 mg/l	9.6 mg/l	---	Weekly	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	200.2	300.3	30 mg/l	45 mg/l	---	Weekly	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	6.7	10.1	1 mg/l	1.5 mg/l	---	Weekly	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	Weekly	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD) [P]	56.0	84.0	---	---	---	2/Month	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	Weekly	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.187 mg/l	---	0.323 mg/l	Weekly	Grab	Effluent
Dissolved Oxygen (DO)	---	---	6.0 mg/l Minimum at all times			Daily	Grab	Effluent
pH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	5.67	8.51	0.85 mg/l	1.28 mg/l	---	Weekly	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	2/Year	Grab	Effluent

* See Part V.G.5.
[P] See Part I.R.

6. During the period beginning on the date the approval to place in operation at 1.4 MGD is issued and lasting until the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS		
	Pounds per Day		Other Units					
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Point
Flow	---	---	1.4 MGD	1.4 MGD	---	Daily	Continuous	Effluent
Biochemical Oxygen Demand - 5 Day (BOD_5)	65.4	98.1	5.6 mg/l	8.4 mg/l	---	Weekly	24 Hour Composite	Effluent
Total Suspended Solids (TSS)	350.3	525.5	30 mg/l	45 mg/l	---	Weekly	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Summer (Mar-Oct)	5.8	8.7	0.5 mg/l	0.75 mg/l	---	Weekly	24 Hour Composite	Effluent
Ammonia Nitrogen (NH_3-N) Winter (Nov-Feb)	MR	MR	MR mg/l	MR mg/l	---	Weekly	24 Hour Composite	Effluent
Ultimate Oxygen Demand (UOD) [b]	56.0	84.0	---	---	---	Weekly	Calculated	---
Fecal Coliform	---	---	200/100 ml	---	400/100 ml	Weekly	Grab	Effluent
Total Residual Chlorine (TRC)*	---	---	0.279 mg/l	---	0.482 mg/l	Weekly	Grab	Effluent
Dissolved Oxygen (DO)	---	---	6.0 mg/l Minimum at all times			Daily	Grab	Effluent
pH	---	---	6.0 - 8.5 Standard Units			Daily	Grab	Effluent
Total Phosphorus (P)*	14.48	21.72	1.24 mg/l	1.86 mg/l	---	Weekly	24 Hr. Comp.	Effluent
Total Cadmium (Cd)*	---	---	0.002 mg/l	---	0.006 mg/l	1/Month	24 Hr. Comp.	Effluent
Total Copper (Cu)*	---	---	0.022 mg/l	---	0.031 mg/l	1/Month	24 Hr. Comp.	Effluent
Total Lead (Pb)*	---	---	0.007 mg/l	---	0.179 mg/l	1/Month	24 Hr. Comp.	Effluent
Total Zinc (Zn)*	---	---	0.257 mg/l	---	0.281 mg/l	1/Month	24 Hr. Comp.	Effluent
Total Mercury (Hg)*	---	---	MR mg/l	---	MR mg/l	1/Quarter	Grab	Effluent

* See Part V.G.5.
[b] See Part I.R.

B. Whole Effluent Toxicity Limitations and Monitoring Requirements

1. a. During the period beginning on the effective date of this permit and lasting until the approval to place in operation at 0.2 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Quarterly Average[1]	Daily Maximum[1]	Measurement Frequency	Sample Type
WET Chronic Testing @ CTC = 1%	25 %[2]	40 %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing -Reproduction @ CTC=1%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing – Mortality @ CTC= 1%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite

b. During the period beginning on the date the approval to place in operation at 0.2 MGD is issued and lasting until the approval to place in operation at 0.4 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Quarterly Average[1]	Daily Maximum[1]	Measurement Frequency	Sample Type
WET Chronic Testing @ CTC = 1.7%	25 %[2]	40 %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing -Reproduction @ CTC=1.7%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing – Mortality @ CTC= 1.7%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite

c. During the period beginning on the date the approval to place in operation at 0.4 MGD is issued and lasting until the approval to place in operation at 0.8 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Quarterly Average[1]	Daily Maximum[1]	Measurement Frequency	Sample Type
WET Chronic Testing @ CTC = 3.4%	25 %[2]	40 %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing -Reproduction @ CTC=3.4%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing – Mortality @ CTC= 3.4%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite

d. During the period beginning on the date the approval to place in operation at 0.8 MGD is issued and lasting until the approval to place in operation at 1.4 MGD is issued or the expiration date of this permit, whichever occurs earlier, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Quarterly Average[1]	Daily Maximum[1]	Measurement Frequency	Sample Type
WET Chronic Testing @ CTC = 5.9%	25 %[2]	40 %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing -Reproduction @ CTC=5.9%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing – Mortality @ CTC= 5.9%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite

e. During the period beginning on the date the approval to place in operation at 1.4 MGD is issued and lasting until the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Quarterly Average[1]	Daily Maximum[1]	Measurement Frequency	Sample Type
WET Chronic Testing @ CTC = 4%	25 %[2]	40 %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing -Reproduction @ CTC=4%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite
Whole Effluent Toxicity Chronic Testing – Mortality @ CTC= 4%	MR %[2]	MR %[2]	3/Quarter[3]	24 hour composite

[1]Quarterly average is defined as the mean of percent effects for all valid tests performed during the monitoring period following the procedures given in Part V.B. Maximum is defined as the highest percent effect of all valid tests performed during the monitoring period following the procedures in Part V.B.
[2] See Part V.B.1 for additional toxicity reporting requirements. MR = Monitor and Report.
[3] Valid tests must be separated by at least 13 days (from the time the first sample is taken to start one test until the time the first sample is taken to start a different test). There is no restriction on when a new test may begin following a failed or invalid test.

2. Samples used to demonstrate compliance with the discharge limitations and monitoring requirements specified above shall be taken at or near the final point-of-discharge but, prior to mixing with the receiving waters or other waste streams.

3. If only one valid test is conducted during a quarter, results from that test must be used to assess compliance with the quarterly average limit as well as the maximum limit. If more than one valid test is completed during the quarter, the mean percent inhibition of all valid tests must be used to demonstrate compliance with the quarterly average limit.

4. Valid test results from split samples may be reported on the DMR. For the average limit, individual valid results are averaged to determine the sample result. For the maximum limit, the maximum result of all valid tests is reported on the DMR. All laboratories used shall be identified on the DMR form. For the purposes of reporting on the DMR, a split sample is reported as a single sample regardless of the number of times it is split.

C. Groundwater Requirements

Not applicable to this permit.

D. Sludge Disposal Requirements

1. Sludge Transportation and Disposal

Sludge solids will be removed from this facility and transported to the Oconee County/Coneroos Creek WWTP (SC0033553) under the following conditions:

a. All containers for sludge collection and transportation shall be structurally sound in every respect and shall be so constructed as to prevent leakage or spillage of any kind while in the process of pumping, storage, or transit.

b. Permitting of sludge hauling will be on a five (5) year basis coincidental with and part of this NPDES permit for the sludge generator. This transportation permit is effective immediately and expires with the expiration of this NPDES permit.

c. The total volume of waste transported shall not exceed the available capacity of the receiving facility.

d. The hauling of sludge may be temporarily suspended or permanently revoked when, in the opinion of the South Carolina Department of Health and Environmental Control or any of its authorized representatives, the Permittee has failed to comply with the permitting, hauling, transportation, or disposal requirements of these guidelines.

e. The Permittee is responsible for the handling, transportation, and disposal of all sludge from the various source(s) transported to the approved disposal site. This responsibility includes, but is not limited to spills, accidents, unauthorized leaks, or other hazards which may occur.

E. Land Application Requirements

Not applicable to this permit.

Part IV. Schedule of Compliance

A. Schedule(s)

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedules:

   a. The following schedule shall be utilized to upgrade the treatment facility to meet the more stringent effluent limitations in Part III.A.2:

      (1) Submit an approvable preliminary engineering report for facility upgrade by April 1, 2004, **or** if the facility can meet the final limits without an upgrade, submit a written request by April 1, 2004 to place the final limits into effect. If final limits are placed into effect, the remaining schedule dates noted in (ii) through (v) below, will no longer be applicable.

      (2) Submit approvable plans and specifications for facility upgrade by October 1, 2004.

      (3) Start construction for facility upgrade by June 1, 2005.

      (4) Complete construction for facility upgrade by June 1, 2006.

      (5) Comply with the final effluent limits by July 1, 2006.

2. The permittee shall achieve compliance with the Whole Effluent Toxicity limitations specified for discharges in accordance with the following schedules:

   Not applicable to this permit.

3. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 10 days following each scheduled date

Part V. Other Requirements

A. Effluent Limitations and Monitoring Requirements

1. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

2. Samples taken in compliance with the monitoring requirements specified above, shall be taken at the following locations: nearest accessible point after final treatment but prior to actual discharge or mixing with the receiving waters.

3. Samples shall be collected in accordance with Part I.

4. MR = Monitor and Report only.

5. a. If the monthly average concentration limits for BOD_5 and Total Suspended Solids (TSS) is less than or equal to 30 mg/l, then for BOD and TSS, the arithmetic mean of the values of the effluent shall not exceed 15 percent of the arithmetic mean of the values of the influent.

   b. If the monthly average concentration limits for BOD_5 is less than or equal to 30 mg/l and the monthly average concentration for TSS is greater than 30 mg/l, then for BOD, the arithmetic mean of the values of the effluent shall not exceed 15 percent of the arithmetic mean of the values of the influent, and for TSS the arithmetic mean of the values of the effluent shall not exceed 35 percent of the arithmetic mean of the values of the influent.

   c. If the monthly average concentration for BOD_5 is equal to 45 mg/l and the monthly average concentration for TSS is greater than 30 mg/l, then for BOD and TSS, the arithmetic mean of the values of the effluent shall not exceed 35 percent of the arithmetic mean of the values of the influent.

B. Effluent Toxicity Limitations and Monitoring Requirements

1. Acute Toxicity

   Not applicable to this permit.

2. Chronic Toxicity (For the limits identified in Part III.B)

   a. (1) **For Part III.B.1.a:** A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part III.B, "Effluent Toxicity Limitations and Monitoring Requirements," using the CTC of 1% and the following test concentrations: 0% (control), 1%, 1.7%, 3.4%, 6% and 11% effluent.

   (2) **For Part III.B.1.b:** A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part III.B, "Effluent Toxicity Limitations and Monitoring Requirements," using the CTC of 1.7% and the following test concentrations: 0% (control), 1%, 1.7%, 3.4%, 6% and 11% effluent.

(3) **For Part III.B.1.c:** A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part III.B, "Effluent Toxicity Limitations and Monitoring Requirements," using the CTC of 3.4% and the following test concentrations: 0% (control), 1%, 1.7%, 3.4%, 6% and 11% effluent.

(4) **For Part III.B.1.d:** A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part III.B, "Effluent Toxicity Limitations and Monitoring Requirements," using the CTC of 5.9% and the following test concentrations: 0% (control), 1.7%, 3.1%, 5.9%, 10.8% and 20% effluent.

(5) **For Part III.B.1.e:** A *Ceriodaphnia dubia* three brood chronic toxicity test shall be conducted at the frequency stated in Part III.B, "Effluent Toxicity Limitations and Monitoring Requirements," using the CTC of 4% and the following test concentrations: 0% (control), 1%, 2%, 4%, 8% and 16% effluent

The permittee may add additional test concentrations without prior authorization from the Department provided that the test begins with at least 10 replicates in each concentration and all data is used to determine permit compliance.

b. The test shall be conducted using EPA Method 1002.0 in accordance with "Short-Term Methods for Estimating Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms," EPA/821/R-02/013 (October 2002).

c. In determining compliance with permit limits for chronic toxicity, the permittee shall use the 3-parameter logistic regression (3PLR) model assuming a binomial distribution for survival and a Poisson distribution for reproduction as recommended in the DHEC Bureau of Water document entitled "Options for Data Analysis of Whole Effluent Toxicity Testing Required by NPDES Permits," September 2001 for calculating biological effect (percent inhibition) at the applicable CTC.

d. Percent effect is the difference between control and test group performance expressed as a percentage of control group performance, or $\%\,effect = (1 - \frac{test\ group\ performance}{control\ group\ performance}) * 100$, where performance is survival or reproduction. The permittee shall report the percent effect on both *Ceriodaphnia dubia* survival and reproduction at the CTC. Overall percent effect is the greater of the percent effect on survival and reproduction. Average and maximum overall percent effect shall not exceed the limits on the appropriate limitations page in Part III.B.

e. A test shall be invalidated if any part of Method 1002.0 is not followed or if the laboratory is not certified at the time the test is conducted.

f. All valid toxicity test results shall be submitted on the DHEC Form 3710 entitled "DMR Attachment for Toxicity Test Results" in accordance with Part II.L.4. In addition, results from all invalid tests must be appended to DMRs, including lab control data. The permittee has sole responsibility for scheduling toxicity tests so as to ensure there is sufficient opportunity to complete and report the required number of valid test results for each monitoring period.

g. If the discharge complies with all applicable toxicity limits for four consecutive quarters, the permittee may request that the Department decrease WET monitoring requirements.

h. This permit may be modified based on new information that supports a modification in accordance with Regulation 61-9.122.62 and Regulation 61-68.D.

3. Instream Macroinvertebrate Assessment

Not applicable to this permit.

C. Groundwater Requirements

Not applicable to this permit.

D. Sludge Disposal Requirements

1. Sludge Use and Disposal

a. The permittee shall comply with effluent standards and/or prohibitions established under Section 307(a) of the Clean Water Act (CWA) for toxic pollutants, standards for sludge use and disposal established in 40 CFR Parts 122, 123, 258, 501 and 503, under Section 405(d) of the CWA, and R.61-9.503 State Domestic Sludge Regulations, within the time provided in the regulations that establish these prohibitions or standards for sludge use or disposal, even if the NPDES permit has not yet been modified to incorporate the requirement.

b. The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

c. This permit may be modified to address any standard for sludge use or disposal promulgated under Section 405(d) and Section 503 of the Clean Water Act and R.61-9.503 State Domestic Sludge Regulations or additional controls of a pollutant or practice not currently limited in this permit.

d. It must be noted that 40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge, Federal Register Volume 58, No. 32, pages 9248 through 9415, dated February 19,1993, is effective March 22, 1993, and R.61-9.503 State Domestic Sludge Regulations is effective June 28, 1996. Any sludge disposal permits issued by the Department will remain in effect and all conditions and requirements will apply; however, this does not relieve the permittee from complying with the conditions of 40 CFR Part 503 or State Regulation 61-9.503.

1. Compliance with the standards (40 CFR Part 503 and R.61-9.503) shall be achieved as expeditiously as practicable, but in no case later than February 19,1994.
2. When compliance with the standard requires construction of new pollution control facilities, compliance with the standards (40 CFR Part 503 and R.61-9.503) shall be achieved as expeditiously as possible but in no case later than February 19, 1995.

3. All other requirements for the frequency of monitoring, record keeping, and reporting identified in 40 CFR Part 503 or R.61-9.503, are effective on July 20, 1993.

4. Class I sludge management facilities (includes but is not limited to all facilities with pretreatment programs, Publicly Owned Treatment Works (POTW) with a design flow rate equal to or greater than 1 Million gallons per day, and POTW's that serve 10,000 people or more) shall submit the following to EPA Region IV (USEPA Region IV, Clean Water Act Enforcement Section, Water Management Division, 61 Forsyth Street SW, Atlanta, GA 30303) with a duplicate copy to the Department:

   a. The information in 40 CFR Part 503.17(a) except the information in §503.17(a)(3)(ii), 503.17(a)(4)(ii) and 503.17(a)(5)(ii), for the appropriate requirements on February 19 of each year.

   b. The information in 40 CFR Part 503.17(a)(5)(ii)(A) through (a)(5)(ii)(G) on February 19 of each year when ninety (90) percent or more of any of the cumulative pollutant loading rates in Table 2 of §503.13 is reached at a site.

      The requirements to send information to EPA Region IV will remain in effect until the State of South Carolina is delegated the sludge program under 40 CFR Part 123 or 40 CFR Part 501. The permittee is also required to send a copy of the information to the Department under the requirements of R.61-9.503.

e. Until such time as a specific federal sludge disposal permit is issued under the provisions of 40 CFR Part 503, the direct enforceability (§503.3(b)) of the sludge standards requires that the permittee shall not use or dispose of sewage sludge through any practice for which requirements are established in 40 CFR Part 503, except in accordance with those requirements. If the Department includes State sludge permit requirements under R.61-9.503, the conditions of that permit shall apply in addition to any requirements under 40 CFR Part 503.

f. 1. The permittee must obtain prior Departmental approval of planned changes in the facility when the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use of disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   2. The sludge disposal permit may be modified or revoked and reissued if there are material and substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) which occurred after the permit issuance which justify the application of permit conditions which are different from or absent in the existing permit.

g. The sludge disposal permit may be terminated if there is a change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit.

h. Periodic inspections will be conducted by Department authorized representatives to ensure compliance with State regulations and permit stipulations. Any necessary modification to this permit may be based upon these evaluations.

i. Records of monitoring required by the permits related to sludge use and disposal activities must be kept at least five (5) years (or longer as required by 40 CFR Part 503 or R.61-9.503).

j. Sludge monitoring procedures shall be those specified in 1) R.61-9.503; 2) 40 CFR Part 503; 3) 40 CFR Part 136; or 4) other procedures specified in the sludge permit (in that order of "preference" depending on the availability and applicability of a particular method at the time the sludge permit is issued).

k. The permittee must provide sludge monitoring results on a form(s) approved by the Department.

l. The permittee shall submit the results of all sludge monitoring if done more frequently than required by the sludge permit. The permittee may be required to maintain specific records at the facility and on request may also be required to furnish them to the Department.

m. The permittee should note that under 40 CFR 122.44(*l*), the "anti-backsliding" provision applies only to surface water dischargers. The "anti-backsliding" provision does not apply to sludge use and disposal activities.

E. Land Application

Not applicable to this permit.

F. Pretreatment

1. Pretreatment Regulations and Program Requirements

a. All industrial users which discharge wastewater into the Permittee's system are required to comply with pretreatment provisions of the Act, as set forth in the General Pretreatment Regulations, 40 CFR Part 403, promulgated thereunder, the approved State Pretreatment Program (R.61-9.403), and the permittee's approved pretreatment program.

b. This permit shall be modified, or alternatively revoked and reissued, to incorporate an approved POTW Pretreatment Program.

c. Any application for authority to revise categorical pretreatment Standards to reflect POTW removal of pollutants in accordance with the requirements of 40 CFR 403.7 must be submitted to the Department at the time of application for POTW pretreatment program approval or at the time of permit expiration and reissuance thereafter.

2. Prohibited Discharges

The Permittee shall not allow discharge of pollutant(s) into its treatment works by any non-domestic source(s), if such pollutant(s) may inhibit or interfere with the operation or performance of the works. Further, the Permittee shall not allow introduction of the following pollutants into its treatment works:

a. Pollutant(s) which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

b. Pollutant(s) which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges.

c. Solid or viscous pollutant(s) in amounts which will cause obstruction to the flow in the POTW resulting in interference.

d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Upon development of specific limits for these pollutant categories, either in an approved POTW Pretreatment Program or otherwise, such limits shall be deemed prohibitions for the purpose of Section 307(d) of the Act and shall be enforceable in lieu of the general prohibitions set forth above.

G. Additional Operational Requirements

1. The wastewater treatment plant is assigned a classification of Group III-B (Biological) in the Permit to Construct which is issued by the Department. This classification corresponds to an operator with a grade of B.

2. The wastewater treatment plant is assigned a Reliability Classification of Class III, in accordance with Section 67.400 "Reliability Classifications" of the Standards for Wastewater Facility Construction: R.61-67.

3. The Permittee shall monitor all parameters consistent with conditions established by this Permit on the first (1st) Wednesday of every calendar month, unless otherwise approved by this Department. Additional monitoring, as necessary to meet the frequency requirements of this Permit (Part III.A., III.B., and III.C., if applicable) shall be performed by the Permittee.

4. Reserved

5. The Water Quality-Based Effluent Limitations (WQBEL) for the parameters listed are not quantifiable using EPA-approved analytical methods. Therefore, the practical quantitation limit (PQL) using the analytical method stated below shall be considered as being in compliance with the limit provided appropriate biological monitoring requirements are incorporated into the permit.

For purposes of reporting, the Permittee shall use the reporting threshold equivalent to the PQL listed below and conduct analyses in accordance with the method specified below:

Parameter	Analytical Method	PQL
Total Phosphorus	365.1, 365.2, 365.3, 365.4, 300.0	0.050 mg/l
Total Cadmium	200.8, 200.9, SM3113B	0.00010 mg/l
Total Copper	200.7, 200.8, 200.9, SM3113B	0.010 mg/l
Total Lead	200.8, 200.9, SM3113B	0.0020 mg/l
Total Zinc	200.7, 200.8, 200.9, SM3113B, 289.1, SM3111B	0.010 mg/l
Total Residual Chlorine	SM4500Cl B,C,D,F or G	0.050 mg/l
Total Mercury	1669/1631C	0.0005 µg/l

The Permittee can however use another analytical method from a SCDHEC certified laboratory with PQL lower than the PQL listed above. If the permittee is using a PQL below the PQL listed above, then for purposes of reporting, the lower PQL shall be used in accordance with Part II.J.4.b.

6. The permittee shall use the results obtained from Mercury sampling to calculate reasonable potential. Reasonable potential may be evaluated after three samples have been collected at the new PQL using the guidelines established in the permit rationale. At any time reasonable potential is determined not to exist from the cumulative data set, the permittee may submit a written request to the following address requesting Mercury monitoring be discontinued.

   S.C. Department of Health and Environmental Control
   Bureau of Water/Water Facilities Permitting Division
   2600 Bull Street
   Columbia, South Carolina 29201

   Upon Departmental concurrence, a new DMR will be sent to the permittee with no mercury monitoring included. If the discharge causes, has the reasonable potential to cause or contributes to an instream water quality violation for mercury based on one year of data, the permit may be reopened to include additional requirements and/or limitations on mercury.

7. The Department may modify the NPDES permit (in accordance with R61-9) after one year of total cadmium, total copper, total lead and total zinc sampling data has been collected using the appropriate PQL (identified in Part V), this assessment will reflect our reasonable potential determination on the parameter of concern.